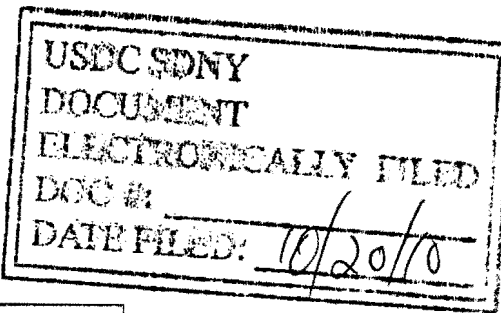


Rakoff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



IN RE REFCO INC. SECURITIES LITIGATION

MASTER FILE NO.
05 CV 8626 (JSR)

**STIPULATION OF VOLUNTARY DISMISSAL
OF DEFENDANT GERALD M. SHERER**

IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the undersigned parties, pursuant to Fed. R. Civ. P. 41(a)(1), that:

1. All claims asserted in this action by Lead Plaintiffs against defendant Gerald M. Sherer are hereby dismissed with prejudice.

2. Each party shall bear his or its own costs and attorneys' fees in connection with the claims dismissed herein and no party will assert that the claims were brought, prosecuted or defended in bad faith or in violation of Fed. R. Civ. P. 11.

Dated: New York, New York
October 12, 2010

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U.S.D.J.

10-20-10

